

JOHN D. DINGELL
15TH DISTRICT, MICHIGAN

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CONSERVATION COMMISSION

Congress of the United States
House of Representatives
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May 13, 2010

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The Honorable Julius Genachowski
Chairman
U.S. Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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Dear Chairman Genachowski:

I write with regard to two recent Commission Media Bureau decisions in which a cable operator was ordered to remove broadcast programming from two Detroit, Michigan, television stations under the Commission's network non-duplication rules. In both cases, the cable operator had carried the broadcast stations' programming for decades, which consumers have also traditionally been able to receive over the air.

As you may be aware, Buckeye Cablevision is a cable television operator whose system serves Monroe County, Michigan, in my congressional district, as well as Lenawee County, Michigan, and several Ohio communities in Lucas and Wood Counties, including Toledo. Buckeye has carried Detroit, Michigan, television stations WXYZ-TV and WJBK-TV since it began operating in the mid-1960s, including to subscribers in Toledo. Moreover, Ohio residents are still able to receive these stations' signals over the air.

In 2006 and 2008, respectively, two Toledo television stations, WTVG, owned by ABC-Disney, and WUPW, a Fox affiliate owned by LIN TV Corp., requested the Commission require Buckeye to remove Detroit network programming to its customers in Toledo. As noted above, the Media Bureau granted these requests in March 2010. I am concerned that eliminating cable carriage of Detroit television programming, which can be viewed over the air and has been carried on Buckeye's cable system without dispute for more than forty years, could limit consumer choice, while at the same time increasing costs for the Buckeye system both in my congressional district and throughout the Buckeye system. This result also appears inconsistent with the Commission's network non-duplication and syndicated exclusivity rules, which ensure cable television subscribers continue receiving broadcast stations they can otherwise receive over the air in their communities.

I understand Buckeye has petitioned the Commission for a stay and review of the Media Bureau's March 2010 order. I hope the Commission will strongly consider the concerns I have outlined above when determining if it is appropriate to review the order

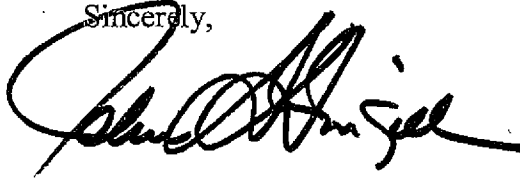
The Honorable Julius Genachowski

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in question. Thank you for your kind attention to this matter, and should you require further information, please feel free to contact me directly or have a member of your staff contact Andrew Woelfling in my office at 202-225-4071.

With every good wish,

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell", written in a cursive style.

John D. Dingell
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 21, 2010

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Dingell:

Thank you for your letter regarding two Commission proceedings related to the carriage of stations WXYZ-DT and WJBK-DT on the Buckeye Cablevision, Inc., system serving communities in Michigan and Ohio. I appreciate your sharing your thoughts with me about this matter. Your correspondence will be provided to the parties and made part of the record in these proceedings.

In the proceedings in question, WTVG-DT and WUPW-DT – both licensed to Toledo, Ohio – filed separate petitions seeking a waiver of the regulations that preclude cable television system operators from deleting the duplicate network programming of significantly viewed stations pursuant to the Commission's network program nonduplication rules. The Commission's Media Bureau has reported to me that a review of submitted data and filings determined that viewership for both WXYZ and WJBK fell significantly below the minimum criteria defined in the Commission's rules (2 percent share of total weekly viewing hours and a 5 percent net weekly circulation share for independent stations; 3 percent share of total weekly viewing hours and 25 percent share of net weekly circulation share for network affiliates) necessary to be deemed significantly viewed in Toledo. Therefore, on March 17, 2010, the Bureau adopted decisions granting the WUPW and WTVG waiver requests.

Buckeye Cablevision has filed petitions for stay and applications for review requesting that the Bureau's decisions be examined by the full Commission. WUPW and WTVG filed oppositions. The Bureau staff currently is evaluating the filings submitted on the petitions for stay and the applications for review. Once they have completed this examination, the Bureau will issue a decision regarding the stay requests and draft recommended decisions for consideration by the full Commission. I appreciate having your view on this matter and will take your concerns into consideration as these proceedings move forward.

Again, thank you for contacting me about your interest in this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Julius Genachowski